

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:04CR13
(BROADWATER)**

CHARLES WILLIAM DECKER,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND REVOKING
SUPERVISED RELEASE**

On December 20, 2005, the probation officer supervising the defendant, Charles William Decker, filed a petition to revoke the defendant's supervised release on the basis that the defendant violated several conditions of his supervised release. On January 3, 2006, Magistrate Judge David J. Joel conducted a hearing on the petition. He issued his written Report and Recommendation on the same date, recommending that: (1) the defendant's supervised release be revoked; (2) a ten (10) month prison term be imposed; and (3) the defendant be given credit for time served since his incarceration on the pending violations, since December 28, 2005.

Magistrate Judge Joel's Report and Recommendation informed the parties that they could file written objections within 10 days of service, and warned that a failure to file objections would waive the party's appellate rights should this Court adopt the Magistrate Judge's recommendations. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985).

Neither party has filed objections to the Report and Recommendation.

The Court has reviewed the matters before it, agrees with the Magistrate Judge's

recommendation, and **REVOKES** the defendant's supervised release. The defendant's shall be remanded to the custody of the Bureau of Prisons to serve a term of ten (10) months of incarceration. After the discharge of that period of incarceration, the defendant shall not be placed on supervised release, pursuant to 18 U.S.C. § 3583(e). The defendant shall remain in the custody of the United States Marshal's Service until he receives his designation from the Bureau of Prisons. The defendant shall receive credit towards his ten (10) month sentence for all time spend in federal custody since his arrest on December 28, 2005.

A Judgment and Commitment Order shall follow.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the all counsel of record herein and the appropriate agencies.

DATED this 27th day of February, 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE